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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,399	01/05/2001	Douglas Mayne	IOME-0301	5247

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,399

Applicant(s)

MAYNE ET AL.

Examiner

Stella L. Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-11, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorek et al. (US 2001/034803 A1, hereinafter “Sorek”).

Regarding claims 10-11, Sorek discloses a cradle (cradle 90 receives hand-held device 30 having electrical port 38) comprising:

a receptacle (device 30 can be inserted into cradle 90; Figure 1; page 3, paragraph 0040, last sentence);

a second connector (electrical port receiver 76 of device cradle 90 detachably couples with electrical port 38 of hand-held device 30; page 3, paragraph 0038); and

a third connector (cradle 90 communicates via wired connection 74 with computer 110; page 3, paragraph 0042, last sentence).

Regarding claims 13-14, cradle 90 connects with a power supply via wired connection 74 (page 3, paragraph 0042, last sentence).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 12, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorek in view of Naim (US 6,694,200 B1).

Sorek discloses the combination of a digital audio player and recorder (hand-held device 30) and a cradle (cradle 90),

the digital audio player and recorder (30) comprising:

a housing (see Figure 1); and

a first connector (electrical port 38 of hand-held device 30 connects with an electrical port receiver 76 of device cradle 90; page 3, paragraph 0038); and

the cradle (90) comprising:

a receptacle (device 30 can be inserted into cradle 90; Figure 1; page 3, paragraph 0040, last sentence);

a second connector (electrical port receiver 76 of device cradle 90 detachably couples with electrical port 38 of hand-held device 30; page 3, paragraph 0038); and

a third connector (cradle 90 communicates via wired connection 74 with computer 110; page 3, paragraph 042, last sentence).

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Sorek differs from claims 1-9, 12, 15-20 in that it does not provide details with regard to the hand-held device 30, specifically, a data storage device and printed circuit assembly.

However, Naim teaches the desirability of incorporating within a portable audio player/recorder device (device 1 in Figures 3a, 3b) a data storage device (disk drive which receives a hard disk storage medium; col. 2, lines 35-42; col. 3, lines 1-12; col. 7, lines 45-62) and a printed circuit assembly (player and disk drive electronics are integrated on the same circuit substrate, such as a printed circuit board; col. 3, lines 1-5; col. 7, lines 63-67). It would have been obvious to an artisan of ordinary skill to incorporate a data storage device and printed circuit assembly, as taught by Naim, within the hand-held device 30 of Sorek in order to provide the hand-held device with greater storage capacity while providing a small size, low-cost and power efficient portable device (see Naim, col. 4, lines 42-55).

Regarding claims 3-5, 17-19, in Sorek, the hand-held device 30 includes a rechargeable battery 290 which is charged by a power connection and battery charging element 212 in cradle 90 (Figure 2; page 3, paragraph 0045 - page 4, paragraph 0048).

Regarding claims 6-7, in Sorek, cradle 90 connects with a power supply via wired connection 74 (page 3, paragraph 0042, last sentence).

Regarding claim 8, 9, 20, in Sorek, the hand-held device 30 includes control elements 34, 36, 42 and a display 32 (Figure 1; page 3, paragraph 0039).

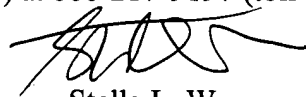
Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dwyer et al. and Dalton et al. show other charging cradle devices which provide data transfer from a computer.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stella L. Woo
Primary Examiner
Art Unit 2643